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P R 291702Z OCT 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 3935

AMEMBASSY KUALA LUMPUR PRIORITY

INFO USMISSION USBERLIN

AMEMBASSY BERLIN

AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 01 OF 02 BONN 17679

E.O. 11652: GDS

TAGS: PFOR, PGOV, WB, MY, UR

SUBJECT: VISITS OF MALAYSIAN GOVERNMENT OFFICIALS TO
WEST BERLIN

REFS: (A) STATE 255263; (B) USBER 2147;
(C) KUALA LUMPUR 6043

BEGIN SUMMARY: THE SOVIET COMPLAINT TO THE MALAYSIAN
GOVERNMENT THAT VISITORS TO WEST BERLIN MUST BE
INVITED BY THE SENAT IS OF PARTICULAR INTEREST IN
CONNECTION WITH CURRENT BONN GROUP DISCUSSIONS ON HOW
THE "INVITATIONS" PROVISION OF THE QUADRIPARTITE
AGREEMENT IS TO BE APPLIED. ADDITIONAL INFORMATION
FROM KUALA LUMPUR ON THE NATURE OF THE SOVIET DEMARCHE
WOULD BE WELCOME. END SUMMARY.

1. WE WOULD BE INTERESTED IN ANY ADDITIONAL DETAILS
WHICH EMBASSY KUALA LUMPUR, IN RESPONDING TO THE GOM
INQUIRY, MIGHT DEVELOP WITH REGARD TO THE NATURE
OF THE SOVIET COMPLAINT. FOR EXAMPLE, WAS THERE A
FORMAL DEMARCHE WHICH SMACKS OF AN INITIATIVE IN
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A VARIETY OF COUNTRIES, OR WAS THE COMPLAINT VOICED

CASUALLY OR INFORMALLY? WERE THERE ACCOMPANYING HINTS OR THREATS OF INTERFERENCE WITH TRAVEL? IS THE SPECIFIC PROGRAM FOR MINISTRY OF INFORMATION TRAINEES ONE THAT HAS BEEN PUBLICIZED LOCALLY, OR DOES THE COMPLAINT SUGGEST THAT KNOWLEDGE OF THE PROGRAM WAS DEVELOPED BY THE SOVIETS IN BERLIN? ARE THE TRAINEES VISITING VARIOUS PARTS OF THE FRG OR ONLY WEST BERLIN?

2. REF C IS THE FIRST REPORT WE HAVE SEEN THAT THE SOVIETS ARE USING THIS PARTICULAR TYPE OF PRESSURE ON THIRD COUNTRIES TO ENFORCE THEIR UNILATERAL INTERPRETATION OF THE QUADRIPARTITE AGREEMENT (QA) AND TO CONTRIBUTE TO AN INTERNATIONAL FRAME OF MIND WHICH WOULD SEE WEST BERLIN AS AN INDEPENDENT POLITICAL ENTITY. NOR, FOR THAT MATTER, HAVE THE SOVIETS EVER CLAIMED DIRECTLY TO THE ALLIED POWERS THAT ANNEX IV OF THE QA REQUIRES THE SENAT TO JOIN IN ISSUING INVITATIONS TO INDIVIDUAL VISITORS. THE APPROACH TO THE MALAYSIANS MAY, HOWEVER, SHED SOME LIGHT ON THE NATURE OF THE PROBLEM WE ARE FACING WITH THE FRG IN CONNECTION WITH CURRENT BONN GROUP DISCUSSIONS OF HOW THE INVITATIONS PROVISION OF ANNEX IV IS TO BE APPLIED.

3. IN RESPONSE TO THE RECENT ALLIED STATEMENT THAT THE ALLIES CONSIDER THAT ANNEX IV.A.2(D) PROCEDURES MUST BE FOLLOWED FOR ALL INTERNATIONAL MEETINGS AND CONFERENCES, EVEN WHEN INVITATIONS ARE BEING SENT ONLY TO WESTERNERS, THE FRG REP HAS TWICE MENTIONED THE IMMENSITY OF THE FRG INTERNATIONAL VISITORS PROGRAM AS ONE OF THE TECHNICAL DIFFICULTIES IN ACCEDING TO ALLIED WISHES. ALLIED REPS HAVE CONSIDERED THIS AN IRRELEVANT OBJECTION AS WE CAN SEE NO QA-BASED NEED FOR INVITATIONS FROM THE SENAT TO INDIVIDUAL VISITORS.

4. THE LACK OF PRECISE PARALELLISM BETWEEN THE TWO COMMUNICATIONS WHICH CONSTITUTE ANNEX IV OF THE QA MAY BE CONTRIBUTING TO A DIFFERENCE OF INTERPRETATION. IN ANNEX IV.A. (THE COMMUNICATION FROM THE ALLIED GOVERNMENTS TO THE SOVIET GOVERNMENT CONFIDENTIAL

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CERNING REPRESENTATION ABROAD OF THE INTERESTS OF THE WESTERN SECTORS OF BERLIN), SECTION 2(D) IS DIVIDED INTO THREE SENTENCES, AND IT IS OUR INTERPRETATION THAT THE THIRD SENTENCE, CONCERNING INVITATIONS, RELATES BACK ONLY TO THE SECOND SENTENCE, CONCERNING MEETINGS OF INTERNATIONAL ORGANIZATIONS, INTERNATIONAL CONFERENCES, AND EXHIBITIONS WITH INTERNATIONAL PARTICIPATION. IN OUR VIEW, THE FIRST SENTENCE SERVES ONLY

TO SANCTION THE PARTICIPATION OF BERLIN RESIDENTS ON
FRG DELEGATIONS OR GROUPS REPRESENTING THE FRG IN
INTERNATIONAL EXCHANGES AND EXHIBITIONS, AND IMPOSES NO
REQUIREMENTS ON THE FRG OR THE BERLIN SENAT CONCERNING
SUCH ACTIVITIES TAKING PLACE IN WEST BERLIN EXCEPT

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THAT MATTERS OF SECURITY AND STATUS NOT BE AFFECTED.

5. ANNEX IV.B., THE SOVIET REPLY, HOWEVER, IS WORDED
SLIGHTLY DIFFERENTLY. ALL OF SECTION 2(D) IS JOINED
INTO ONE SENTENCE (AND IN THE RUSSIAN TEXT THERE IS NOT
EVEN A COMMA SEPARATING THE FIRST CATEGORY FROM THE
SECOND). THE SOVIETS MAY BE DEVELOPING THE THESIS THAT
THE REQUIREMENT FOR SENAT INVOLVEMENT IN INVITATIONS
APPLIES TO ALL ACTIVITIES MENTIONED IN SECTION 2(D) AND
THAT, WHEN PARTICIPATING IN INTERNATIONAL EXCHANGES
INVOLVES RECEIVING EXCHANGE VISITORS IN WEST BERLIN,
THE SENAT MUST INVITE OR JOIN WITH THE FRG IN INVITING.

6. CONCEIVABLY THE SOVIETS HAVE ALREADY ADVANCED THIS
RATHER TORTURED INTERPRETATION TO THE GERMANS AND THE

GERMANS HAVE ACQUIESCED IN THE CASE OF INDIVIDUAL VISITORS FROM THE USSR AND EASTERN EUROPE. IF SO, WE CAN UNDERSTAND WHY THEY HAVE ALLUDED TO THE IMPOSSIBILITY OF REQUIRING SENAT INVITATIONS FOR THE HUNDREDS OF EXCHANGE VISITORS WHOM FRG EMBASSIES AROUND THE WORLD INVITE TO THE FRG AND BERLIN. WE WILL SEEK CLARIFICATION OF THIS POINT IN FUTURE BONN GROUP DIS-
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CUSSIONS. MEANWHILE WE ASSUME THE ALLIES WOULD STAND FIRM IN INSITING THAT THE INVITATIONS PROVISION OF ANNEX IV RELATES ONLY TO MEETINGS AND CONFERENCES AND NOT TO INDIVIDUAL VISITORS.
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